IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1455 OF 2003
IN
EXECUTION APPLICATION NO.20 OF 1998
IN
SUIT NO.3033 OF 1994

Ramzanali Gulam Hussain Ramodiya & Ors. ..Plaintiff

V/s.

Hamida Karim Ramodiya & Ors. ..Defendants

And

Hussain H. Ramodiya & Ors. ..Respondents

Mr.Mahendra C. Maholkar for the Applicant - Judgment Debtor.

Mr.C.D. Patel with M.S. Fadia for the Defendants - Original Plaintiffs.

Mr.A.C. Singh with Mr.D.R. Shah for Respondent Nos.1 and 3.

CORAM : S.J. VAZIFDAR, J.
DATED : 17TH AUGUST, 2004.

P.C. :

1. The Chamber Summons is taken out for a declaration that the property under attachment vide warrant of attachment dated 10th February, 1988 issued in Execution Application No.20 of 1998 is still in

force and for a declaration that the alleged property sale conducted by the Decree-holders and the Respondents is illegal, null and void. The learned counsel appearing on behalf of the Respondents states that the Respondents have not participated in the sale of the attached properties in any manner whatsoever. The statement is accepted.The learned counsel appearing on behalf of the Defendants states that the sale of the attached property has taken place through Sheriff and in accordance with the provisions of law. No affidavit in reply is however filed to substantiate the same. Assuming that the properties have allegedly been sold in accordance with law, in any event in view of the order of the Supreme Court dated 16th August, 2002, the sale is not to be confirmed till further orders. All the learned counsel are agreed that this order of the Supreme Court is still in force and no further orders have been passed by the Supreme Court thereafter.

2. In the circumstances, it is clear that the attachment continues. It is further agreed that in the event of the sale not having been conducted through the office of the Sheriff, the same would be void.

3. In the circumstances, the Chamber Summons is made absolute in terms of prayer (a). The Chamber Summons is also made absolute in terms of prayer (b) in the event of it being found that the sale was not conducted as alleged by the Decree-holders.

4. The Chamber Summons is accordingly disposed of.

. Parties to act on an ordinary copy of this order duly authenticated by the Chamber Registrar/ Court Stenographer of this Court.